REMARKS/ARGUMENT

Claims 1, 3, 9, 10, 12, 13, 24, and 26 have been amended. Claims 2, 4, 6, 7, 8 and 15 and 25 have been canceled. Claims 1, 3, 5, 9 through 14, and 16 through 24 and 26 remain in the application. Re-examination and reconsideration of the application as amended are requested.

The examiner has stated that claims 1 and 24 are objected to because of the following informalities. It should include the words "said frames" after the word "through" in line 2, in claim 1 and in line 3, in claim 24. Also the word "inferred" in claim 24 should be "infrared". Applicant has made the change to claim 1 and claim 24 has been canceled. Applicant believes he has overcome this objection.

The examiner has rejected claims 3, 5, and 9 under 35 USC 112, second paragraph as being indefinite. He states in claim 3 the word "reflectors" on line 5 and in claim 9 the word "reflectors" in line 1 has insufficient antecedent basis. Claim 3 element 1 recites "a reflector" and thus, applicant has changed the word "reflectors" to "reflector" in claim 3. Applicant has done the same with claim 9. Claim 9 is dependent upon claim 3 thus the word reflector would have antecedent basis. The examiner states

that the applicant failed to place a period at the claim 5. Applicant has placed a period after claim 5.

The examiner has rejected claims 1, 3, 5, 9-10, 13 and 24 under 35 USC 103 (a) as being unpatentable over Waters in view of Marks. The examiner states that Waters teaches a trim-article heater to heat the trim comprising a base, a stand an open frame, and directs heat towards the top, sides, front and back of the seat trim, a heater attached to the top of the base and adapted such that the seat trim can be stretch over the frame. Applicant transverses this statement. Waters to the applicant shows a space heater that is also used to dry clothes. It is hard to believe that this type of heater would be even allowed on the market today due to the instability that the clothes hanging on the frame would cause and the inherent fire hazard caused by the clothes being so close the space heater. The invention is a seat trim heater that is used to heat the seat trims so that the trim will be more supple and allow placement over a seat without wrinkles. Water talks about the drying of clothes, not the heat of an article so that it will become more supple.

Applicant is perplexed, since it would seem that Waters does not show the heater within the frame. The heater does not direct heat towards the top, side, front or back of the seat article trim. The heater lies behind the frame.

The heater lies behind and below the frame and mostly below the frame. The patent clearly states that the radiant heat is directed forward through the open front of the casting. Column 1, line 63 and 64 of the patent. From the drawing it would seem that most of the heat is not directed through the frame but below. Further, the frame does not seem to be connected to the base 11. Further, the applicant cannot see how the seat trim would be stretched over the frame to allow the heater to direct its heat toward the top, side, front and back of the article. It would seem from the picture as to Water's, the items placed in this heater would be placed in front of the heater on the frame and they would just be laid over top of the frame not stretched over the frame. Applicant needs a better description and maybe even a drawing to show how Waters could be used as a seat trim heater as put forth in claim 1 of applicant's application. Applicant further does not understand how the two dimensional frame of Waters could approximate a three dimensional seat as applicant has described the frame in claim 1. Secondly, applicant needs a better understanding of why Waters would wish to modify his portable space heater in which an individual could dry clothes on. There seems to be no reason I can think of in which you would want to stretch the clothes over frame 25 for drying. Clearly, Waters makes no mention of stretching the clothes over frame 25 for drying.

As I stated above, applicant is not certain exactly what examiner has actually put forth in his rejection. However, applicant has amended claim 1. In the B paragraph, applicant has added "said frame" after the word "through". He has also deleted the word "shape" and added the words "height, width, and length of a portion ". Before the word "seat" applicant has added the word "a vehicle". In element C after the words "seat trim" applicant has added "that encircles the heater". In element F before the word "trim "applicant has added the word "seat". Applicant has also deleted the word "placed" and replaced it with the words "stretched" and has deleted the word "electric" and replaced it with the word "power". Basis for these changes are found in the specification on page 5, lines 1 through 22 and figure 4.

Clearly Waters does not show a frame with the height, width and length of a portion of the vehicle seat that the seat trim will cover. Walters frame is two dimensional and the frame described in claim 1 is three dimensional. Secondly, Waters clearly does not describe a frame in which things are stretched over. In Waters, things are laid on the frame to dry. There is no contemplation or wording within Waters which would or could be construed that an object should be stretched over the frame. Also, clearly, Waters' frame unit does not encircle the heater. Claim 1 describes a

heater which is encircled by the seat trim and the heater puts out heat in towards the top, sides and front and back of the seat trim. Waters only puts out heat towards the front. Clearly, claim 1 is patentable over Walters.

Marks shows a finger drawing device. This device is used to dry finger nail polish. The only statement the examiner makes about Marks is that Marks includes a set of infrared lamps. Clearly Marks does not show a heater which is encircled by a seat trim or a frame that has a height, width and length of a portion of a vehicle seat. Thus, clearly claim 1 is patentable over Waters in view of Marks.

Claims 3, 5 and 9 are ultimately dependent upon claim 1, thus, the same argument that applies to claim 1 would also apply to claims 3, 5 and 9. Therefore, claims 3, 5 and 9 are patentable over Waters in view of Marks.

Claim 10 is also dependent upon claim 1. Thus, the same argument that applies to claim 1 would also apply to claim 10. The applicant has also amended claim 10. In the second element, applicant has added the words "top of the" before the last word "stand". Basis for this is found on page 8, lines 3 through 7 and figure 2. Clearly, how the examiner has interpreted Walters as the stand being 12 the heater and frame is not attached to the top of 12. Thus, claim 10 is clearly patentable over Walters in view of Marks.

The second element in claim 13 reads exactly like the second element

of claim 10. Applicant has amended the second element of claim 13 just as he has amended claim 10. Thus, the same argument that would apply to claim 10 would also apply to claim 13 making claim 13 patentable over Waters in view of Marks. Also, claim 13 is ultimately dependent upon 1, thus, the same argument that applies to claim 1 would also apply to claim 13 making claim 13 patentable over Waters in view of Marks.

Claim 24 has been amended. Three new elements have been added to claim 24. They read:

h. the reflector is heated by the heater; and,

i. the reflector is hollow and the fan blows air into the hollow reflector and the air is warmed by it's passage through the reflector; and,

j. the reflector has outlets that direct the air towards the seat trim.

Basis for this is found in the specification on page 8 line 24 through page 9 line 4. The new element call for a hollow reflector in which the fan blows air an the reflector has outlets to allow the air to be directed towards the seat trim. Neither Waters nor Marks show a hallow reflector with outlets in which the fan blows air. Thus Claim 24 is clearly patentable over Waters in view of Marks.

Claim 14 is dependent upon claim 13. Thus, the same argument that applies to claim 13 would also apply to claim 14. The examiner has rejected claim 14 under 35 USC 103 (a) as being unpatentable over Waters in view of Marks and further in view of Job. The examiner states that Job shows a pivotal attachment means. He states that is would be obvious to one having ordinary skill in the art to modify the invention of Waters in view of Marks to include a pivotal attachment means as taught by Job in order to have better control over the trim being placed on and off the frame. Applicant transverses this statement. First, that is applicant's argument as to using the pivotal means. See the specifications on the last line of page 7 and the first three lines of page 8.

The courts have said in ACS Hospital Systems, Inc. vs. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (FED CIR 1984).

"Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive to support the combination.

Applicant does not find in Waters, Marks or Job any suggestion, incentive or teaching that would support this combination. In fact, looking

at Waters there would be no incentive to have the base pivotally attached to the stand. In fact, by having the pivotal attachment and using it, you would make the system more unstable. The clothes are only placed over the stand and do not have to be stretched over, there would be no necessity to have the pivotal attachment. Lastly, applicant does not understand how one would place the pivotal attachment of Jobs into the Waters's reference. Applicant would like a description or a drawing showing how the two could be combined.

The examiner has rejected claim 16 through 18 and 25 and 26 under 35 USC 103 (a) as being unpatentable over Waters in view of Marks and further in view of Cayley. Claim 16 through 18 are ultimately dependent upon claim 1. Thus, the same argument that applies to claim 1 would also apply to claims 16 through 18.

Claims 25 have been cancelled. However claim 24 has been amended. Claim 24 now reads as previous claim 24 only in independent form. Claim 26 is now dependant on claim 24. The examiner says that Cayley discloses a towel heater comprising a hollow reflector with holes. It should be noted that the item the examiner calls the reflector 26 Cayley calls it the cover. In the patent in column 4 of the specification it states: "the openings 27 in the cover 26 and particularly in the upright position 32

thereof permit the heating of the towel in several ways. First of all, the air is heated within the space between the cover 26 by the heating element 24 is permitted to flow through the openings 27 and heat the towel by conduction. Also, the heat radiates from the heating element 24 and passes through the openings heating the towel by radiation. In addition, heat radiates from the heating element to the cover 26, is transmitted by conduction from the cover 26 to the towel draped there over." Clearly, the patent does not say anything about 26 being a reflector. In fact, if 26 was a reflector, it would reflect the heat back to the heating element. It would not reflect the heat to the seat trim as called for in claim 24 and 26. Secondly, neither Waters, Marks, nor Cayley give any suggestion or incentive of the necessity of placing openings within the reflector. In fact, Waters already shows the way in which the reflector is cooled. Thus, clearly claims 24 and 26 are patentable over Waters in view of Marks, and Cayley. Further, claim 26 calls for inlets in the base that allows the fan to blow through the hollow reflector and through the reflector's outlets toward the seat trim to return to the fan. There is clearly nothing in Walters, Marks, Cayley that shows the recycling of this air. Thus, clearly 26 is patentable over Waters in view of Marks, Cayley.

The examiner has rejected claim 11 under 35 USC 103 (a) as being unpatentable over Waters in view of Marks and further in view of Job.

Claim 11 is dependent upon claim 10. Thus, the same argument that applies to claim 10 would also apply to claim 11. Claim 10, of course, is ultimately dependent upon claim 1, thus, the same argument that applies to claim 1 would also apply to claim 11. Job does not show a frame that is approximately the height, width or length of a portion of a portion of a vehicle seat nor does it show the seat trim that encircles the heater. Thus, claim 11 is patentable over Waters in view of Marks and Job. Secondly, the same argument that applied to claim 13 would also apply to claim 11. In claim 13 the examiner argues using the three same references, Waters, Marks and Job. As I put forth as to claim 13, neither Waters, Marks, nor Job have any teachings, references nor incentives to support the combination. In fact, to place a pivotal attachment between the stand and heater of Walters would make Waters unstable. Since Waters is a space heater which also dries clothing put over a bar, there would be no necessity nor any improvement to make the heater and frame pivotally attached to the stand. Also, as applicant has asked as to claim 13, he does not see how these patents would be applied and would like a drawing or a description of how you place the pivotal attachment within Waters. Thus, clearly claim 11 is patentable over Waters in view of Marks and Job.

The examiner has rejected claim 12 under 35 USC 103 (a) as being unpatentable over Waters in view of Marks and Job and further in view of Manning. Claim 12 is dependent upon claim 11 and thus the same argument that applies to claim 11 would also apply to claim 12. Manning shows a set of openings in a straight line that are used to place the collar spreaders in so that you can lengthen or shorten the spread of the collar. Clearly, Manning does not show openings in a quarter circle pattern on the wing. Nor does Manning show openings that would allow you to slant or pivot the base with heater. Further, the same argument that applies to claim 11 would also apply to the entire combination in claim 12. There is no reason or suggestion in any of these four patents that they should be combined. Further, there is nothing in the four patterns to tell you how this combination could be achieved.

Claim 19 has been rejected under 35 USC 103 (a) as being unpatentable over Waters in view of Marks and Job and further in view of Cayley. Claim 19 is ultimately dependent upon claim 1, thus, the same argument that applies to claim 1 would also apply to claim 19. Clearly, the addition of Cayley and Job does not show a seat trim that encircles the heater nor a frame that has the height, width and depth of a portion of a vehicle seat.

Claim 20 and 21 have been rejected by the examiner under 35 USC 103 (a) as being unpatentable over Waters in view of Marks and further in view of Carlston. The examiner states that Carlston discloses a trim sleeve heater comprising of a base, a stand, an electric heater and a steam heater. Carlston discloses a steam iron. Claim 20 is dependent upon claim 1. Thus, the same argument that applies to claim 1 would also apply to claim 20. Carlston's steam iron does not add anything to Waters or Marks to show the frame that has the height, width and length of a portion of a vehicle seat or the seat trim encircling the heater. Thus, clearly claim 20 is patentable over Walters in view of Marks and Carlston.

Claim 21 is also dependent upon claim 1. Claim 21 calls for a fan. Carlston does not call for a fan. Thus, clearly, claim 21 is patentable over Carlston. Further, claim 21 is dependent upon claim 1. Thus, the same argument that applies to claim 1 would also apply to claim 21 making claim 21 patentable over Waters in view of Marks and Carlston.

The examiner has rejected claim 22 and 23 under 35 USC 103 as being unpatentable over Waters in view of Marks and Carlston and further in view of Cayley. The examiner says that Cayley discloses a towel heater comprising a hollow reflector with holes. It should be noted that the item that Carlston calls, examiner's reflector 26, the cover. In the patent in

column 4 of the specification it states: "the openings 27 in the cover 26 and particularly in the upright position 32 thereof permit the heating of the towel in several ways. First of all, the air is heated within the space between the cover 26 by the heating element 24 is permitted to flow through the openings 27 and heat the towel by conduction. Also, the heat radiates from the heating element 24 and passes through the openings heating the towel by radiation. In addition, heat radiates from the heating element to the cover 26, is transmitted by conduction from the cover 26 to the towel draped there over." Clearly, the patent does not say anything about 26 being a reflector. In fact, if 26 was a reflector, it would reflect the heat back to the heating element. It would not reflect the heat to the seat trim as called for in claim 21 and 22. Secondly, neither Waters, Marks, Carlston nor Cayley give any suggestion or incentive of the necessity of placing openings within the reflector. In fact, Waters already shows the way in which the reflector is cooled. Thus, clearly claims 22 and 23 are patentable over Waters in view of Marks, Carlston and Cayley. Also, the same argument that applies to claim 1 in which claim 22 and 23 are ultimately dependent upon, would also apply to claim 22 and 23. Clearly, neither Carlston nor Cayley show that the seat trim would encircle the heater or that the frame has a height, width and length of a portion of a vehicle's seat. Thus, clearly, claim 22 and 23 are

patentable over Waters in view of Marks, Carlston and Cayley. Further, as to claim 23 calls for inlets in the base that allows the fan to blow through the hollow reflector and through the reflector's outlets toward the seat trim to return to the fan. There is clearly nothing in Waters, Marks, Carlston or Cayley that shows the recycling of this air. Further, there is no necessity in the combination since the combination does not show a seat trim that encircles the heater and reflectors. Thus, clearly 23 is patentable over Waters in view of Marks, Carlston and Cayley.

In view of the above, it is submitted that the claims are now in condition for allowance. Reconsideration of the rejections and objections is requested. Allowance of claims 1, 3, 5, 9 through 14, and 16 through 24 and 26 at an early date is solicited.

Respectfully submitted,

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